

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|---------------------------|-----------------------|
| ----- | X |
| UNITED STATES OF AMERICA | : |
| | : |
| -against- | : AFFIDAVIT OF |
| | : MONZER AL KASSAR |
| MONZER AL KASSAR, | : |
| TAREQ MOUSA AL GHAZI, and | : S3 07 Cr. 354 (JSR) |
| LUIS FELIPE MORENO GODOY | : |
| | : |
| Defendants. | : |
| ----- | X |
| STATE OF NEW YORK) | |
|) ss.: | |
| COUNTY OF NEW YORK) | |

MONZER AL KASSAR, being duly sworn, hereby deposes and says under penalty of perjury:

1. I am a defendant in the above-captioned case and submit this affidavit in support of the motion to dismiss the indictment based on the misconduct of the government.
2. I am a citizen of Syria and have been a resident of Spain for approximately 25 years.
3. I read and speak English.
4. I first met "CS-1," who I believe to be an individual named "Samir," in December, 2006 in a hotel in Beirut, Lebanon. Samir expressed an interest in acquiring arms for the Nicaraguan government.
5. In February, 2007, Samir, along with "CS-2" and "CS-3," known as "Carlos" and "Luis," respectively, came to my home in Marbella, Spain. Samir introduced Carlos and Luis as representatives of the Nicaraguan government. Carlos and

Luis presented me with an original end-user certificate for their proposed purchase.

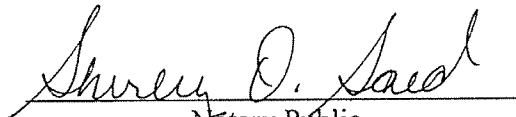
6. The first indictment against me was apparently filed in April, 2007. Subsequent to that first indictment, I was still contacted by the CSs and meetings were held as part of the government's sting operation. As far as I know, the Spanish authorities were not notified of the government's sting operation prior to the first indictment.
7. On June 8, 2007, my house was searched by the Spanish authorities in the presence of DEA agents. The DEA agents seized documents and took photographs during this search. My Spanish attorneys objected to the DEA agents' seizure of documents and of their taking of photographs. The Spanish authorities objected to the DEA agents' actions and warned the DEA agents to cease immediately. The Spanish authorities removed the memory chip from the DEA agent's camera. Neither my Spanish attorneys nor I received an inventory of what was taken. I do not know if the documents seized by the DEA agents were copied and the originals returned.
8. I never traveled to the United States with respect to this case, nor have I ever been in the United States prior to my arrest in this case. I have never engaged in any oral or written communications with anyone in the United States, by use of the mails, wires, or otherwise in connection with this case.
9. I never intended to commit a crime against the United States or its citizens. I did not know that the transaction proposed by the CSs violated United States law.

10. I am unaware that the Spanish authorities were ever apprised of the United States government sting operation against me before I was charged in the United States.



MONZER AL KASSAR

Sworn to before me on
this 15 day of July, 2008



Notary Public
SHIRLEY O. SAED
Notary Public, State of New York
No. 01545072143
Qualified in New York County
Certificate Filed in New York County
Commission Expires January 27 2011